

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

IN RE: DOMINGO J. PALAFOX,

Petitioner.

Cause No. CV 24-89-M-DWM

ORDER

Pending before the Court is a petition for extraordinary relief. (Doc. 1.) Palafox has captioned the filing for the Montana Supreme Court but mailed the document to this Court. (*Id.* at 1.) In the document, Palafox appears to appeal from the Montana Sentence Review Division's decision denying him relief. (*Id.* at 1-2.) Attached to Palafox's petition is a copy of the Sentence Review Division's decision denying him relief, a letter from the Sentence Review Division, and a prior Order entered by this Court. (Doc. 1-1.)

Palafox previously filed a 28 U.S.C. § 2254 petition with this Court. *See Palafox v. Green*, Cause No. 23-cv-82-M-DLC-KLD, Pet. (filed July 20, 2023). That matter was denied and dismissed for lack of merit in February 2024. *Palafox v. Green*, Cause No. 23-cv-82-M-DLC-KLD, Ord. (D. Mont. Feb. 28, 2024). To

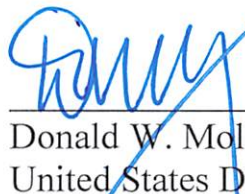
the extent that the present filing could be construed as a Section 2254 petition, this Court lacks jurisdiction to hear a second petition, unless Palafox first obtains authorization from the Court of Appeals to file a second habeas petition. 28 U.S.C. § 2244(b); *Burton v. Stewart*, 549 U.S. 147, 149 (2007) (per curiam).

It appears however, that Palafox may have filed the document in this Court inadvertently. Accordingly, this matter will be dismissed without prejudice.

Based upon the foregoing, IT IS ORDERED that:

1. Palafox's Petition (Doc. 1) is **DISMISSED** without prejudice.
2. The Clerk of Court is directed to enter, by separate document, a judgment of dismissal.
3. The Clerk of Court shall return Palafox's original documents to him.

DATED this 27th day of June, 2024.



Donald W. Molloy, District Judge
United States District Court